IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 3606 of 2005(D)

PETITIONER:

V.KUNHIRAMAN, AGED 61 YEARS,
S/O. LATE K.PADMANABHAN NAIR, RESIDING AT
VALLIKKATTUKALAM, KAZHANI, P.O. KAVASSERI,
PALAKKAD-678 573, ALATHUR TALUK.

BY ADV. SRI.CHERIAN VARGHESE

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT, REVENUE DEPT.,
SECRETARIAT, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, PALAKKAD.

3. REVENUE DIVISIONAL OFFICER, PALAKKAD.

4. ACCOUNTANT GENERAL (A & E),
THIRUVANANTHAPURAM.

*5. MRS. DEVI CHANDRAN (AGE 58)
W/O. P.R. CHANDRAN, PLOT - 157,
PRANAMYA, HILL GARDENS,
ANCHERI P.O., THRISSUR - 68 0006.

*6. MRS. SREEDEVI VENUGOPAL, (AGE 56),
W/O. P. VENUGOPAL,
PLOT - 183, DEEPAM,
HILL GARDENS, KUTTANALLUR,
PUTHUR POST, THRISSUR - 680014.

*7. MRS.KARTHIAYANI UNNI (AGED 51)
W/O. K.R. UNNI,
'MEERA', BHAVA NAGAR,
KUNNATHURMEDU POST,

PALAKKAD - 678 013.

*8. MRS. MEENAKSHI UNNI (AGED 49),
W/O. K.R. UNNI,
NO.203, 'MAITRI APARTMENTS,
VAIDYA STREET,
BEHIND KANYASALA,
NO.1, NAVSARI - 396 445,
GUJARAT STATE.

*9. MRS. RADHA SUKUMARAN (AGE 47),
W/O. P. SUKUMARAN,
NO.5, 'SREEVALSAM',
VIDYA NAGAR,
COCHIN UNIVERSITY (P.O),
KOCHI - 682 022.

ADDL. RESPONDENTS 5 TO 9 IS IMPLEADED AS PER THE ORDER IN I.A. 9689/05 DATED 7.7.2005.

BY GOVERNMENT PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE ORDER DATED 23.3.1999 ISSUED BY 3RD RESPONDENT NO.C.998/96

EXHIBIT-P2: TRUE COPY OF LETTER DATED 23.3.1999 ISSUED BY 3RD RESPONDENT TO 4TH RESPONDENT

EXHIBIT-P3: TRUE COPY OF LETTER DATED 14.9.99 ISSUED BY SUB COLLECTOR, PALAKKAD TO THE 4TH RESPONDENT

EXHIBIT-P4: TRUE COPY OF REGISTERED WILL DATED 6.9.1999 EXECUTED IN FAVOUR OF PETITIONER

EXHIBIT-P5: TRUE COPY OF FORWARDING LETTER DATED 6.11.1999 SENT BY PETITIONER TO THE 4TH RESPONDENT

EXHIBIT-P6: TRUE COPY OF LETTER DATED 11.1.2000 SENT BY 4TH RESPONDENT TO THE 3RD RESPONDENT

EXHIBIT-P7: TRUE COPY OF LEGAL HEIRSHIP CERTIFICATE DATED 5.7.2000 ISSUED BY TAHSILDAR, ALATHUR TO THE PETITIONER

EXHIBIT-P8: TRUE COPY OF LETTER DATED 29.12.2000 SENT BY PETITIONER TO THE 3RD RESPONDENT

EXHIBIT-P9: TRUE COPY OF LETTER DATED 23.11.2001 SENT BY 3RD RESPONDENT TO RESPONDENT NO.4

EXHIBIT-P10: TRUE COPY OF LETTER DATED 10.4.2002 SENT BY 4TH RESPONDENT TO 3RD RESPONDENT

EXHIBIT-P11: TRUE COPY OF LETTER DATED 25.10.2002 SENT BY 3RD RESPONDENT TO 1ST RESPONDENT

EXHIBIT-P12: TRUE COPY OF LETTER DATED 19.11.2003 SENT BY 4TH RESPONDENT OT THE 3RD RESPONDENT

EXHIBIT-P13: TRUE COPY OF LETTER DATED 16.12.2003 SENT BY 3RD RESPONDENT TO THE PETITIONER

/TRUE COPY/

P.A. TO JUDGE

ANTONY DOMINIC,J.

W.P (C) No. 3606 of 2005

Dated this the 24th day of August, 2007

J U D G M E N T

This writ petition is filed praying for quashing Exhibit-P13 and for directing the respondents 2 to 4 to forward all documents kept with them to the 1st respondent and to direct the 1st respondent to pass appropriate orders for payment of the entire amount of Life Time Arrears of Pension of the deceased father of the petitioner. Petitioner is also seeking interest on the entire amount of Life Time Arrears of pension till the date of actual payment of Life Time Arrears of pension. Petitioner's father was a Village Officer, who retired from service on 17.12.1965. It appears that service book was not available and as a result, pension payment was delayed unduly. Finally by Exhibit-P1 order pension was granted in March, 1999. Thereafter, Exhibit-P1 order was forwarded for the authorisation of the Accountant General and same was sanctioned.

2. In the mean time petitioner's father had executed a registered will (Exhibit-P4), wherein, the petitioner is shown as the legatee entitled to receive the Life Time Pension. The father did not survive to receive payment and expired on 27.9.1999.

Since, then the petitioner has been representing the authorities for granting Life Time Arrears.

3. Since the arrears that accrued exceeded Rs. 25,000/- under Rule 139 of Part III of K.S.R, for releasing payment Government Order was necessary. For this purpose, petitioner furnished necessary Indemnity Bond and death certificate. Inspite of all these, the arrears was not paid. Finally, petitioner received Exhibit-P13 from the Revenue Divisional Officer, Palakkad requiring him to furnish Indemnity Bond in Form 8-A and Death Certificate of his father. At that stage, this writ petition was filed seeking the prayers mentioned supra.

4. I notice that both the documents which were required to be produced in Exhibit -P13 were already produced by the petitioner before the authorities and therefore the direction to produce it once again is unreasonable. As far as the death certificate is concerned, Exhibit -P5 discloses that the same has already been furnished as early as on 6.11.1999. Similarly, it can be seen from Exhibits P9, P10 and P11 that the Indemnity Bond was also furnished by the petitioner earlier. Thus, there was no necessity for requiring the petitioner to furnish the

documents mentioned in Exhibit-P11 once again.

5. Taking into account of the aforesaid facts, I quash Exhibit -P13 and direct the respondents 2 to 4 to forward necessary documents kept with them to the 1st respondent for passing appropriate orders for payment of entire Life Time Arrears of pension that was due to the petitioner's father. Papers shall be forwarded, within one month from the date of receipt of a copy of this judgment and the 1st respondent shall pass orders thereon, as expeditiously as possible, at any rate within six weeks of its receipt by respondents 2 to 4. While passing orders, the 1st respondent shall also take into account Rs. 25,000/- which has already been paid to the petitioner pursuant to the interim order of this Court dated 31.3.2006 and entitlement of the petitioner will be only for the balance amount, if any due.

(ANTONY DOMINIC,JUDGE)

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/True copy/

P.A to Judge

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007